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Order Regarding Motion for Sentence Reduction

**UNITED STATES DISTRICT COURT**

Eastern

District of \_\_\_\_\_

NOV 16 2023

TANIA S. DOWNS, CLERK

By: *[Signature]* DEP CLERK

UNITED STATES OF AMERICA

ORDER REGARDING MOTION FOR SENTENCE  
 REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)  
 based on USSG 821

V.

Hernandez, Jose

Case Number: 4:19-cr-00314-01-JJV

Date of Original Judgment:  
 (Or Date of Last Amended Judgment)

8/12/2019

USM Number: 80637-208

Sonia Fonticiella

Defendant's Attorney at Sentencing

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is: DENIED.

GRANTED and the defendant's previously imposed sentence of imprisonment of  
8 months is reduced to 5 months.

**I. COURT DETERMINATION OF GUIDELINE RANGE**

Previous Offense Level(Prior to  
 Departure/Variance/Rule 35): 4

Amended Offense Level: 4Criminal History Category: VCriminal History Category: IVPrevious Guideline Range: 4 to 10 monthsAmended Guideline Range: 2 to 8 months**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.
- The original term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing and the reduced sentence is below the amended guideline range.
- Other (specify) \_\_\_\_\_.

**III. FURTHER EXPLANATION (e.g., recommendations to the Bureau of Prisons) (if necessary)**

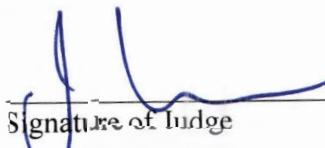
Sentence is consecutive to sentence in E.D. Ark. Case No. 4:18-CR-00094-BSM

Except as provided above, all provisions of the judgment dated 8/12/2019 shall remain in effect.**IT IS SO ORDERED.**11/16/2023

Order Date

February 1, 2024

Effective Date (if delayed)

  
 Signature of Judge

U.S. Magistrate Judge Joe J. Volpe

Name and Title of Judge